

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION

DOUGIE LESTER, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED;

Plaintiff,

vs.

PAY CAR MINING, INC., BLUESTONE
INDUSTRIES, INC., BLUESTONE COAL
CORP., KEYSTONE SERVICE
INDUSTRIES, INC., AND; AND MECHEL
BLUESTONE, INC.,

Defendants,

5:17-CV-00740

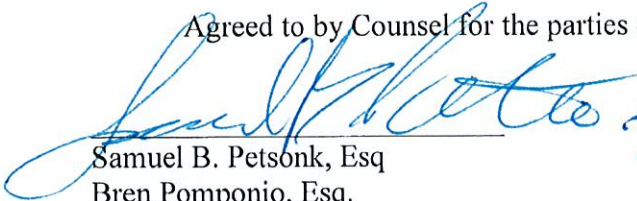
Mediator's Proposed Settlement

Subject to typical District Court class action settlement procedures and Court approval, the Mediator proposes the parties agree to settle this matter as follows:


1. The Defendants agree to pay \$1,000,000.00 to the Plaintiffs inclusive of a attorney's fees and costs paid in three installments of a) \$333,333.33; b) \$333,333.33; and c) \$333.333.34, the first payment being due by August 31, 2019 the second payment being due by February 28, 2020 and the final payment being due by August 31, 2020;
2. The Defendants agree to pay to the class representative the sum of \$10,000 due by paid within 60 days of July 12, 2018;
3. The Defendant's agree to pay to a class administrative fee to Mountain State Justice of \$30,000.00, paid within 60 days of July 12, 2018;
4. Defendants will enter a Judgment Order for the amounts stated herein which the Plaintiffs agree will not be executed upon unless the Defendants default upon the payment of the amounts stated herein within the periods stated herein. In lieu of the legal rate of interest, the Defendants agree to pay a penalty of One Thousand Dollars (\$1,000.00) per day for each day a

payment due hereunder is late with the right of a fifteen (15) day cure period. Should a payment be late and not cured within 15 days of the due date, then the penalty of One Thousand Dollars (\$1,000.00) will be retroactive to the original due date of the payment.

Agreed to by Counsel for the parties on this the 12th day of July, 2018.



Samuel B. Petsonk, Esq
Bren Pomponio, Esq.
Counsel for Plaintiffs



John F. Hussell, IV, Esq.
Andrew Ellis, Esq.
Counsel for Defendants



Stephen W. Ball, Defendants' Rep.